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ACTIVITIES RELATING TO SPECIFIC PROVISIONS OF THE SET OF PRINCIPLES AND RULES

INFORMATION AND CONSULTATIONS PROCEDURES ON RESTRICTIVE BUSINESS PRACTICES

CHECKLISTS FOR REQUESTS FOR INFORMATION AND CONSULTATIONS

Note by the UNCTAD secretariat

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GE.91-51314

INTRODUCTION

1. The present note was prepared in pursuance of Resolution 1 (II) adopted by the Second United Nations Conference to Review all Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the control of Restrictive Business Practices, which took place in Geneva, from 26 November to 7 December 1990.[1/] In paragraph 4 of that resolution, the Second Review Conference considered that "in the light of States' need for information, a list of restrictive business practices authorities through which requests for information should be channeled is a useful device for increasing the flow of information", and requested "the Secretary-General of UNCTAD to issue a directory of restrictive business practices authorities and to update it regularly". Accordingly, the annex to this note contains an updated list of addresses of restrictive business practices control authorities.

2. In paragraph 5 of the resolution, the Second Review Conference considered further "that it would be helpful for States requesting information to have guidance" and requested the Secretary-General of UNCTAD:

> "to prepare an indicative checklist of items which may include inter-alia:
>
> (a) A description of the restrictive business case in question;
>
> (b) The enterprises involved;
>
> (c) The legal basis for instituting proceedings;
>
> (d) The reasons for requesting the information;
>
> (e) The specific information sought;
>
> (f) The intended use of the information."

Accordingly, chapter II of this note contains an annotated checklist of items for the guidance of States wishing to request information from other States.

3. In order to improve the implementation of the Set with regard to consultations, the Second Review Conferences also requested the UNCTAD secretariat "to prepare a checklist of possible steps which countries may wish to follow in the preparation of a case, and in their request for consultation. Such a checklist could include, inter alia, explaining the reasons for the request for consultations, and indicating the specific details of the behaviour or activity about which the consultation is requested" (paragraph 7 of the resolution).

4. Accordingly, chapter III of this note contains an annotated checklist for consultations, including a commentary thereon. It elaborates on the actual situation with information and consultations on restrictive business practices, and suggests some possible improvements which may be achieved in this area, once a majority of States have adopted restrictive business practices control legislation, and competition policies have become fully implemented at the international level.

1/ See Annex to Report of the Second UN Conference to Review all Aspects of the Set (TD/RBP/CONF.3/9).

I. REQUESTS FOR INFORMATION

5. Restrictive business practices usually result from private contractual, written, oral or even tacit agreements between enterprises. In addition to general business confidentiality, they may be kept secret because they are illegal in countries having restrictive business practices control legislation, or they may be simply unpopular in countries where such legislation does not exist. Restrictive business practices are therefore generally surrounded by a veil of secrecy. Hence, the difficulty for data gathering or collecting specific information. Nevertheless, it is impossible to undertake a study or an investigation without the basic information. The countries which have adopted restrictive business practices control legislation have empowered themselves to seek and obtain the information needed for implementation of the law. However, even when a State has such legislation, the power to seek information is usually limited to its own national territory. Information sought for a specific case might be detained in another country. Hence the cooperation of all States concerned is often essential for the successful resolution of a case.

6. The Set of Multilaterally Agreed Equitable Principles and Rules has clearly emphasized the importance of the exchange of information, as demonstrated by the numerous provisions it contains dealing with information collection and dissemination.[2/] The importance of information in the area of restrictive business practices was further recognized by UNCTAD VII which, in its Final Act,[3/] recommended that UNCTAD's work in restrictive business practices "should continue and be strengthened, particularly with a view to ensuring transparency". This was further reflected in the outcome of the Second Review Conference of restrictive business practices as indicated above.

7. The Review Conference recognized the importance of devising a checklist of items for the guidance of States seeking information from another State or States. In order to ease the flow of information on restrictive business practices between States, such a checklist must be clear and precise so as to facilitate the formulation of requests in terms that are as specific as possible and to reduce any risk of misunderstanding between the requesting and the addressed States. To this end, it would seem advisable that the list follow the structure of the Set of Multilaterally Agreed Equitable Principles and Rules and use its terminology, since this instrument has been agreed multilaterally and adopted as a United Nations resolution. Furthermore, the checklist should be sufficiently detailed so as to reduce the risk that aspects possibly important for the addressed State are omitted in the request. Comprehensiveness implies, of course, that not all items in the checklist are necessarily relevant to each particular case.

8. Conversely, the checklist should not be interpreted as being all-inclusive in the sense that no items other than those mentioned may be addressed in a request. When using the checklist, requesting States should also provide any additional information about the case, the reasons for the request, the intended use of the information sought, or any other relevant aspect which they feel might facilitate understanding of, and compliance with, the request.

2/ See, for example, in the Set (TD/RBP/CONF/10/Rev.1) Section C, provision 3; Section E, provisions 5, 6, 7, 8, 9; Section F, provisions 2 and 3.

3/ Final Act of UNCTAD VII (Geneva, 9 July-3 August 1987), paragraph 105 (18).

In complicated cases and where complex information is sought, simultaneous recourse to consultations may also be contemplated in order to clarify rapidly and effectively all aspects relevant and important to both the requesting and the addressed States.

9. In the checklist which follows, restrictive business practices are simply enumerated. Stating that a request for information concerns, for example, a price-fixing case, in the sense of A (1) (a) (aa), below would not suffice. The case would have to be described in as much detail as necessary for an understanding of its competitive implications. Thus, for instance, time, duration, place, form of agreement or arrangement, whether horizontal or vertical, etc. would have to be described in detail. The same applies to the other restrictive business practices mentioned under A (1) below.

10. The following checklist is given in a tabulated form for ease of reference, and contains cross references to corresponding parts of the Set of Principles and Rules:

CHECKLIST FOR REQUESTS FOR INFORMATION

A. Description of the case

1. Restrictive business practice

(a) Agreement or arrangement (The Set, Section D, para. 3.)

- (aa) Price fixing [Set D.3. (a]
- (bb) Collusive tendering [Set D.3. (b)]
- (cc) Market or customer allocation [Set D.3. (c)]
- (dd) Quota allocation as to sales and production [Set D.3. (d)]
- (ee) Collective action to enforce arrangements [Set D.3. (e)]
- (ff) Concerted refusal of supplies to potential importers [SetD.3.(f)]
- (gg) Collective denial of access to an arrangement, or association, which is crucial to competition [Set D.3. (g)]

(b) Abuse or acquisition and abuse of a dominant position (Set D.4.)

- (aa) Predatory behaviour toward competitors [Set D.4. (a)]
- (bb) Discriminatory behaviour [Set D.4. (b)]
- (cc) Mergers, takeovers, joint ventures or other acquisitions [Set D.4. (c)]
- (dd) Fixing the prices at which goods exported can be resold in importing countries [Set D.4. (d)]
- (ee) Restrictions on the importation of goods in conjunction with trademarks [Set D.4. (e)]
- (ff) Unjustified [Set D.4. (f)]
  - (i) Partial or complete refusal to deal [Set D.4. (f) (i)]
  - (ii) Distribution or manufacturing restrictions in conjunction with supply [Set D.4. (f) (ii)]
  - (iii) Resale or export restrictions [Set D.4. (f) (iii)]
  - (iv) Tying [Set D.4. (f) (iv)]

2. Enterprises involved

(a) In requesting State

(aa) Name, legal form
(bb) Location
(cc) Affiliation with other enterprises
(i) In requesting State
(ii) In addressed State
(iii) In third State
(iv) Type of affiliation
(dd) Business activities
(i) Sales
(ii) Markets in which the enterprise is operating

(b) In addressed State
[same details, as far as known, as under (a)]

(c) In third State
[same details, as far as known, as under (a)]

3. Relevant markets

(a) Product or service market
(b) Geographic market
(c) Market in time
(d) Volume of the market
(e) Structure of the market
(f) Position of enterprises involved in the market
(aa) Market share
(bb) Resources
(cc) Access to supply and sales markets
(dd) Other relevant aspects (e.g. special know-how, legal monopoly)
(g) Legal or factual barriers to entry or exit
(h) Competitive behaviour of enterprises operating in the market
(i) Government regulation of the market

4. Legal basis for instituting proceedings

(a) Text of the applicable substantive role

(b) Explanatory comment on these rules
(aa) Rationale
(bb) Enforcement policy

(c) Text of the applicable rules of procedure (explanatory comment as far as necessary)

(d) Evidence so far established
(aa) Testimony
(bb) Documentary evidence
(cc) Other evidence

B. Request for information

1. Description of the information sought

(a) Specific facts about which information is sought

(b) Type of information sought
  (aa) Oral information
  (bb) Written information
  (cc) Other

2. Reasons for the request

(a) Relevance of the information sought under the restrictive business practices law of the requesting State

(b) Requests for the information sought, if any, previously or simultaneously addressed to
  (aa) Another State
    (i) State addressed
    (ii) Result
  (bb) Enterprises
    (i) Enterprises addressed
    (ii) Result

(c) Measures other than those mentioned under (b), if any, previously or simultaneously taken to obtain the information sought
  (aa) Type of measure
  (bb) Result

(d) Reasons for assuming that the requested information may be available in the addressed State

3. Intended use of the information sought

(a) Rules of procedure applicable to the use of the requested information

(b) Specific use intended in the case

(c) Confidentiality and secrecy laws, and other legal restraints relevant to the use of the requested information in the requesting State. How far could confidentiality be assured if required by the addressed State?

II. REQUESTS FOR CONSULTATIONS

11. With regard to consultations, the Set stipulates in Section F.4. the following:

> "(a) Where a State, particularly of a developing country, believes that a consultation with another State or States is appropriate in regard to an issue concerning control of restrictive business practices, it may request a consultation with those States with a view to finding a mutually acceptable solution. When a consultation is to be held, the States involved may request the Secretary-General of UNCTAD to provide mutually agreed conference facilities for such a consultation;
>
> "(b) States should accord full consideration to requests for consultations and, upon agreement as to the subject of and the procedures for such a consultation, the consultation should take place at an appropriate time;
>
> "(c) If the States involved so agree, a joint report on the consultations and their results should be prepared by the States involved and, if they so wish, with the assistance of the UNCTAD secretariat, and be made available to the Secretary-General of UNCTAD for inclusion in the annual report on restrictive business practices."

12. The Review Conference emphasized the importance of these provisions and considered that they provided a good basis for consultations. In order to improve their implementation, the UNCTAD secretariat was asked "to prepare a checklist of possible steps which countries may wish to follow in the preparation of a case, and in their request for consultation. Such a checklist could include, inter alia, explaining the reasons for the request for consultations, and indicating the specific details of the behaviour or activity about which the consultation is requested".

13. As provided in Section F, paragraph 4 of the Set, consultations may be requested "in regard to an issue concerning control of restricted business practices". Such an issue might be a specific case involving private restraints to competition as included in part A of the indicative checklist for requests for information given below.

14. This was clearly the objective of the Second Review Conference when in paragraph 7 of its resolution it referred to the "preparation of the case" and "details of the behaviour on activity about which the consultation is requested".

15. With respect to the description of the case, much of part A - Description of the case - as contained in the indicative checklist for requests for information in chapter I above is used in the proposed checklist for request for consultations given below.

16. Although requests for consultations in individual cases may be those most likely to play a role in practice, Section F, paragraph 4, of the Set clearly covers other situations as well. An "issue concerning the control of restrictive business practices" may also arise in the context of government

policies of another State in regard to effects of restrictive business practices at the international level, for instance in conjunction with effects on competition abroad of new legislation, of new enforcement policies, of new enforcement guidelines, or of new trends in court practice.

17. Governments may even find "an issue concerning the control of restrictive business practices" meriting consultation with other States if they contemplate changes in their own legislation or enforcement policies, or if there are relevant changes in the practice of their own courts. If such changes can have an impact on international trade or otherwise touch upon substantial interests of other States, the State concerned may deem appropriate to request consultations on this "issue concerning the control of restrictive business practices" in order to find mutually acceptable solutions at an earlier stage when this appears to be easier than after negative effects on other States have already materialized. This type of request for consultation is elaborated in part B of the checklist for consultations given below.

18. Addressing in the checklist not only issues within the sphere of other States, but also those in a State's own sphere, would thus have the advantage of encouraging countries with broader experience in the enforcement of competition laws and policies, especially developed countries, to take the initiative in avoiding or reducing such conflicts. This aim would also be in line with the general policy objective of the Set to improve international cooperation in the control of restrictive business practices and to prevent or minimize conflict situations in this field.

19. With respect to part C of the checklist, it is felt that suggestions as to the procedure to be followed in consultations should not be too elaborate because, as experience has shown in consultations undertaken in international fora, complex, formalized procedures tend to be avoided, preference being given to informal ones. Thus, the alternatives "formal procedure" and "informal procedure" listed in part C of the checklist, offer only different degrees of informality, leaving full freedom to the parties as regards the subject of consultations, their objective, modalities, the participation of third parties, involvement of UNCTAD, etc. The advantage of the "informal" procedure under C (2) is that it reduces the risk of creating too much ill-will or cause a loss of face, as no formal request is formally refused if agreement cannot be reached. The corresponding disadvantage consists in the absence of any substantial pressure to engage in consultations. As regards the advantages and disadvantages of the "formal" procedure, the reverse is true: it implies a greater risk of ill-will and loss of face, but also a greater pressure to engage in consultations. Both alternatives should be offered as there may be cases in which, from the viewpoint of a State contemplating a request of consultations, one of the alternatives may be clearly preferable in the light of its advantages and disadvantages.

20. In the checklist which follows, restrictive business practices are simply enumerated. The reservations discussed in paragraph 9 apply in this case also.

21. The following checklist is given in a tabulated form for ease of reference, and contains a cross-reference to corresponding parts of the Set of Principles and Rules:

CHECKLIST FOR REQUESTS FOR CONSULTATIONS

A. Request for consultations in a specific case

1. Description of the case

(a) Restrictive business practices

(aa) Agreement or arrangement (The Set, Section D, para. 3.)

(i) Price fixing [Set D.3. (a]
(ii) Collusive tendering [Set D.3. (b)]
(iii) Market or customer allocation [Set D.3. (c)]
(iv) Quota allocation as to sales and production [Set D.3. (d)]
(v) Collective action to enforce arrangements [Set D.3. (e)]
(vi) Concerted refusal of supplies to potential importers [Set D.3.(f)]
(vii) Collective denial of access to an arrangement, or association, which is crucial to competition [Set D.3.(g)]

(bb) Abuse or acquisition and abuse of a dominant position (Set D.4.)

(i) Predatory behaviour toward competitors [Set D.4. (a)]
(ii) Discriminatory behaviour [Set D.4. (b)]
(iii) Mergers, takeovers, joint ventures or other acquisitions [Set D.4. (c)]
(iv) Fixing the prices at which goods exported can be resold in importing countries [Set D.4. (d)]
(v) Restrictions on the importation of goods in conjunction with trademarks [Set D.4. (e)]
(vi) Unjustified [Set D.4. (f)]
- Partial or complete refusal to deal [Set D.4. (f) (i)]
- Distribution or manufacturing restrictions in conjunction with supply [Set D.4. (f) (ii)]
- Resale or export restrictions [Set D.4. (f) (iii)]
- Tying [Set D.4. (f) (iv)]

(b) Enterprises involved

(aa) In requesting State

(i) Name, legal form
(ii) Location
(iii) Affiliation with other enterprises
- In requesting State
- In addressed State
- In third State
- Type of affiliation

(iv) Business activities
- Sales
- Markets in which the enterprises is operating

(bb) In addressed State
[same details, as far as known, as under (aa)]

(cc) In third State
[same details, as far as known, as under (aa)]

(c) Relevant markets

(aa) Product or service market
(bb) Geographic market
(cc) Market in time
(dd) Volume of the market
(ee) Structure of the market
(ff) Position of enterprises involved in the market
  (i) Market share
  (ii) Resources
  (iii) Access to supply and sales markets
  (iv) Other relevant aspects (e.g. special know-how, legal monopoly)
(gg) Legal or factual barriers to entry or exit
(hh) Competitive behaviour of enterprises operating in the market
(ii) Government regulation of the market

(d) Legal basis for instituting proceedings

(aa) Text of the applicable substantive rules
(bb) Explanatory comment on these rules
  (i) Rationale
  (ii) Enforcement policy

(cc) Text of the applicable rules of procedure (Explanatory comment as far as necessary)

(dd) Evidence so far established
  (i) Testimony
  (ii) Documentary evidence
  (iii) Other evidence

(2) Reasons for the request for consultations

(a) Wish to consult about specific restrictive business practices of enterprises located in the addressed State, or of enterprises under the control of enterprises located in the addressed State, affecting the requesting State or States.

(b) Wish to consult about information or evidence needed by the requesting State in a specific case.

(c) Wish to consult about difficulties of the requesting State in conjunction with the service of documents in a specific case.

(d) Wish to consult about difficulties of the requesting State in conjunction with enforcement measures in a specific case.

(e) Wish to consult about the co-ordination of enforcement measures in a specific international case.

(f) Wish to consult about enforcement measures of the requesting State which might affect interests of the addressed State, with the aim of finding mutually acceptable enforcement options in the specific case.

(g) Wish to consult about enforcement measures of the addressed State which might affect interests of the requesting State, with the aim of finding mutually acceptable enforcement options in the specific case.

B. Requests for consultations in other matters

(1) Issues in the sphere of the requesting State

(a) Competition legislation or legislation with competitive implications
- (aa) Text of legislation
- (bb) Explanatory comments
- (cc) Conceived interests of the addressed State possibly affected

(b) Administrative matters in the field of competition or fields with competitive implications
- (aa) Relevant documents, e.g. policy guidelines
- (bb) Explanatory comments
- (cc) Conceived interests of the addressed State possibly affected

(c) Court practice in the field of competition or fields with competitive implications
- (aa) Relevant documents, e.g. court decisions
- (bb) Explanatory comments
- (cc) Conceived interests of the addressed State possibly affected

(2) Issues in the sphere of the addressed State

(a) Legislation
- (aa) Legislation concerned
- (bb) Concerns of the requesting State

(b) Administration
- (aa) Administrative measures concerned
- (bb) Concerns of the requesting State

(c) Court practice
- (aa) Practice concerned
- (bb) Concerns of the requesting State

(3) Reasons for the request for consultations

(a) Legislation
- (aa) Wish to consult about adopted or contemplated legislation of the requesting State that does or may affect important interests of the addressed State.
- (bb) Wish to consult about adopted or contemplated legislation of the addressed State that does or may affect important interests of the requesting State.

(b) Administration
- (aa) Wish to consult about adopted or contemplated administrative measures of the requesting State that do or may affect important interests of the requesting State.
- (bb) Wish to consult about adopted or contemplated administrative measures of the addressed State that do or may affect important interests of the requesting State.

(c) Court practice
- (aa) Wish to consult about court practice in the requesting State that does or may affect important interests of the addressed State.
- (bb) Wish to consult about court practice in the addressed State that does or may affect important interests of the requestion State.

C. Procedure suggested for consultations

(1) Items on which agreement has to be reached

(aa) Subject of consultations
(bb) Time of consultations
(cc) Place of consultations
(dd) Participation in consultations, especially of third parties
(ee) Involvement of UNCTAD
(ff) Mode of consultations

(2) Informal procedure

The State contemplating requesting consultations contacts the other State informally to sound out whether agreement on (1) (aa) to (ff) can be reached. If this turns out to be impossible, the State contemplating a request of consultations remains free to lodge a formal request with the addressed State.

(3) Formal procedure

The State requesting consultations makes suggestions as to (1) (aa) to (ff) in the request, possibly offering several options in regard to particular items, or leaving the decision to the addressed State.

III. THE NEED FOR INFORMATION AND CONSULTATIONS

22. As domestic markets are liberated from State regulation and control, the distinction between national and international markets tends to be blurred as capital, manpower goods and services cross frontiers with increasing freedom. The role of the private enterprises in production and trade is growing fast - but so is competition among enterprises. Competition without any safeguards, so-called "cut-throat" competition, leads in time invariably to concentration of market power and restrictive business practices. It is essential to enforce strong competition policy in order to promote and enhance competition at all levels, domestic and international. This is clearly one of the reasons why a growing number of countries, especially those that have introduced liberalization reforms, are adopting restrictive business practices control legislation. Without such legislation to enhance competition, reduced governmental barriers to trade would soon be replaced by "invisible" enterprise-level barriers and distortions of all sorts.

23. While markets irresistibly lead towards globalization, national jurisdictions are irremediably limited at the national borders. This means that States which adopt and enforce restrictive business practices control and legislation will inevitably encounter the limits of their control and will have to resort to multilateral efforts to resolve issues in the area of restrictive business practices.

24. As recognized by UNCTAD VII, in addition to adopting national restrictive business practices legislation, and provision of appropriate technical assistance therefor, the multilateral issues with respect to restrictive business practices which necessitate immediate action are transparency (i.e. exchange of information) and definition of practicable consultation procedures.

25. The growing number of countries adopting or planning to adopt competition legislation augurs well for the future of multilateral efforts in this area. At present, however, implementation of the Set remains in its infancy with respect to these issues, especially regarding consultations.

26. The checklists for information and for consultations should be a practical vehicle for States wishing to approach other States concerning issues in the area of restrictive business practices. In this respect, it should be recalled that in line with provision F4 (a) of the Set, the States involved may request the Secretary-General of UNCTAD to provide mutually agreed conference facilities for consultation. An appropriate timing for such consultations could be during the annual sessions of the Intergovernmental Group of Experts on Restrictive Business Practices.

ANNEX

ADDRESSES OF RESTRICTIVE BUSINESS PRACTICES CONTROL AUTHORITIES

The following are focal points of restrictive business practices authorities, according to information submitted to UNCTAD by the States concerned[a/]:

ARGENTINA

Comision Nacional de Defensa de la Competencia
Secretaria de comercio Interior
Av. J.A. Roca 651
1322 BUENOS AIRES, Argentina

AUSTRALIA

Senior Assistant Secretary
Competition Policy Branch
Attorney General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600, Australia

The Director, United Nations Section
International Trade Organization Branch
Department of Trade
Kings Avenue
BARTON ACT 2600, Australia

Trade Practices Commission
P.O.Box No.19
BELCONNEN, ACT 2616, Australia

BELGIUM

Service Politique et Règles de Concurrence
Administration du Commerce
Ministère des Affaires Economiques
Rue J.A. De Mot, 24-26
B-1040 BRUXELLES, Belgique

BRAZIL

Conselho Administrativo de Defesa Economica (CADE)
Ministerio da Justica
Esplanada dos Ministerios
Anexo I
70064 BRASILIA - DF, Brazil

BULGARIA

Ministry of Foreign Economic Relations
International Organizations Department
12, Sofiiska Komuna Str.
SOFIA 1000, Bulgaria

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a/ The basis for this directory is contained in chapter I, part B, of document TD/RBP/CONF.3/3 of 24 September 1990 and TD/RBP/CONF.3/3/Add.1 of 26 October 1990, which were submitted to the Second United Nations Conference to Review all Aspects of the Set.

CANADA

Director of Investigation and Research
Combines Investigation Act
Consumer and Corporate Affairs Canada
OTTAWA, Ontario KLA 009, Canada

CHILE

Fiscalía Nacional Económica
Agustinas 853, Piso 12
SANTIAGO DE CHILE, Chile

CHINA

Bureau of Legislative Affairs
State Council of the P.R.C.
P.O. Box 1750
BEIJING-VR,
People's Republic of China

Department of International Relations
Ministry of Foreign Economic Relations
and Trade of P.R.C.(MOFERT)
No.2, Dong Chang An Street
BEIJING, 100731
People's Republic of China

CYPRUS

Ministry of Commerce and Industry
NICOSIA,
Republic of Cyprus

DENMARK

Monopoltilsynet
Norregade 49
DK - KOPENHAGEN K, Denmark

EUROPEAN COMMITIES

Direction Générale de la Concurrence
200 rue de la Loi
B-1049 BRUXELLES, Belgique

FINLAND

Office of Free Competition
Haapaniemenkatu 5
P.O.B. 332
SF - 00531 HELSINKI, Finland

FRANCE

Conseil de Concurrence
11 rue de l'Echelle
75001 PARIS
France

Direction Générale de la Concurrence,
de la Consommation et de la
Repression des Fraudes
Ministère de l'Economie
41, quai Branly
75700 PARIS, France

GERMANY

Federal Ministry of Economics
Villemombler Str. 76
5300 BONN 1, Germany

Tel.(0228) 61 51
Fax.(0228) 615 44 36; Telex 886 747

Federal Cartel Office
Mehringdamm 129
1000 BERLIN 61, Germany

Tel.(030) 69 011
Fax.(030) 69 01 400; Telex 184 321

The Monopolies Commission
Barbarastr. 1
5000 Köln 60, Germany

Tel.(0221) 77 80 11 48
Fax.(0221) 77 80 12 81

HUNGARY

Institut für Staats- und Rechtswissenschafter
der Ungarischen Akademie der Wissenschaften
1, Országház U. 30
1250 BUDAPEST, P.O.B. 25, Hungary

ICELAND

Price and Competition Board
Verolagsstofnun
Laugavegur 118
IS - 105 REYKJAVIK, Iceland

INDIA

Monopolies and Restrictive Trade Practices Commission
Travancore House
Kasturba Gandhi Marg
NEW DELHI, India

IRELAND

Restrictive Practices Commission
50, Upper Mount Street
IRL - DUBLIN 2, Ireland

JAPAN

External Affairs Office, secretariat
Fair Trade Commission
2-2-1 Kasumigaseki, Chiyoda-Ku
TOKYO 100, Japan
Tel. 03-581-5471

KENYA

The Commissioner
Monopolies & Prices Commission
Ministry of Finance
P.O. Box 30007
EAK - NAIROBI, Kenya

REPUBLIC OF KOREA

Fair Trade Commission
1, Chungang-Dong
Kwach'on, KYONGGI
Republic of Korea

NETHERLANDS

Office of Competition and Mergers
Ministry of Economic Affairs
Bezuidenhoutseweg 30
2594 AV THE HAGUE, The Netherlands

NEW ZEALAND

Commerce Commission
P.O. Box 2351
WELLINGTON, New Zealand

Tel.(04) 710-180; Fax.(04) 710-771

Ministry of Commerce
Competition Policy and Business
Law Division
P.O. Box 1473
WELLINGTON, New Zealand

Tel.(04) 720-030; Fax.(04) 499-1791

NORWAY

Prisdirektoratet
Postbox 8132 Dep.
N - 0033 OSLO 1, Norway

PAKISTAN

Corporate Law Authority
National Bank Building
ISLAMABAD, Pakistan

POLAND

The Antimonopoly Office
Ministry of Finance
12 Swietokrzyska St.
PL-00-916 WARSAW, Poland

PORTUGAL

Service de la Concurrence et des Prix
Ministère du Commerce
Av. Visconde Valmor, 72
P-1093 LISBONNE Cedex, Portugal

SPAIN

Tribunal de Defensa de la Competencia
Avda. Pio XII, 17-19
28016 MADRID, Spain

Tel. 2505400

Dirección General de Defensa
de la Competencia
Paseo de la Castellana, 162
28071 MADRID, Spain

Tel. 2596922

SRI LANKA

Fair Trading Commission
5th Floor, Lakshman's Building
P.O. Box 1688
321, Galle Road
CL - COLOMBO 3, Sri Lanka

SWEDEN

Office of the Competition Ombudsman
Box 2263
103 16 STOCKHOLM, Sweden

Tel. 08-6176650

The Market Court
Box 2217
S-103 15 STOCKHOLM, Sweden

Tel. 08-244155

Price and Competition Board
Box 70496
107 26 STOCKHOLM, Sweden

Tel. 08-7001500

SWITZERLAND

Office Fédéral des Affaires
Economiques Extérieures
CH-3003 BERNE, Switzerland

Swiss Cartels Commission
Commission Suisse des Cartels
Belpstrasse 53
CH-3003 BERNE, Switzerland

THAILAND

Department of Internal Trade
Ministry of Commerce
Maharaj Road
BANGKOK 10200, Thailand

UNITED KINGDOM

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Office of Fair Trading
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UNITED STATES OF AMERICA

Written information about the activities of the Antitrust Division of the Department of Justice can be obtained from:

Legal Procedure Office
Antitrust Division
Department of Justice
Room 3233 Main
10th & Pennsylvania Avenue, N.W.
WASHINGTON, DC 20530, U.S.A.

Tel. (202) 514-2481

Written information about the activities of the Federal Trade Commission can be obtained from:

Public Reference Section
Federal Trade Commission
WASHINGTON, DC 20580, U.S.A.

Tel. (202) 326-2222

Written information about the antitrust enforcement activities of the various State Attorneys General can be obtained either from the State Attorney General in question or from the National Association of Attorneys General (NAAG), 444 North Capitol Street, N.W., Washington, DC 20001, U.S.A. NAAG's telephone number is (202) 628-0435.